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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/008,541	11/07/2001	Mark A. Lacas	MLTC117992	2734
26389	7590	03/06/2006		
CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC 1420 FIFTH AVENUE SUITE 2800 SEATTLE, WA 98101-2347			EXAMINER NGUYEN, LE V	
			ART UNIT	PAPER NUMBER
			2174	

DATE MAILED: 03/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/008,541	Applicant(s) LACAS ET AL.	
	Examiner Le Nguyen	Art Unit 2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is responsive to an amendment filed 1/23/06.
2. Claims 1-40 are pending in this application; and, claims 1 and 20 are independent claims. Claim 1 has been amended.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claims 1-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It appears applicant overlooked amending the third paragraph of claim 1 to fit the amended claim language of paragraph two so that it reflects *selecting* the decomposable visual component from at least one of the visual component objects instead of “instantiating ...objects”, since you can only instantiate a class or template and not from an object. Upon further review, it appears “decomposable *visual component*” and “*non-visual component*” of lines 1 and 2 of claim 15 are contradictory terms, especially since the “decomposable visual component *represents* a non-visual component”. Unless applicant provides a clear interpretation of

the claimed terms, the examiner will interpret "non-visual component" being: a device without a display component.

Claim Rejections - 35 USC § 102

6. Claims 1 and 3-19 are rejected under 35 U.S.C. 102(b) as being anticipated by McKaskle et al. ("McKaskle").

As per claim 1, McKaskle teaches a method of creating a decomposable visual component in a visual networking operating system (i.e. the operating system interfaces with the computing devices) comprising providing an inventory of visual component object, wherein each of the visual component objects defines visual representation, operations, and/or data concerning a system component and is decomposable into one or more visual component objects (fig. 22; col. 10, lines 55-59; col. 13, lines 16-40; col. 24, lines 35 through col. 36, line 8; col. 31, lines 44-46) and selecting the decomposable visual component from at least one of the visual component objects (fig. 22) and configuring the decomposable visual component while the decomposable visual component is operating (col. 20, lines 34-47; col. 52, line 50 through col. 53, line 9; col. 53, line 39 through col. 54, line 22; col. 76, lines 42-43)

As per claim 3, McKaskle teaches a method of creating a decomposable visual component in a visual networking operating system wherein configuring the decomposable visual component comprises adding an image to the visual component (fig. 67; col. 42, lines 41-44; col. 44, lines 24-32).

As per claim 4, McKaskle teaches a method of creating a decomposable visual component in a visual networking operating system wherein configuring the decomposable visual component comprises changing at least one parameter of the decomposable visual component (col. 52, lines 51-58; col. 45, lines 24-32).

As per claim 5, McKaskle teaches a method of creating a decomposable visual component in a visual networking operating system wherein configuring the decomposable visual component comprises changing a style of decomposable visual component (col. 53, lines 1-7).

As per claim 6, McKaskle teaches a method of creating a decomposable visual component in a visual networking operating system comprising creating an alias/alternative label of the decomposable visual component (col. 41, lines 30-33).

As per claim 7, McKaskle teaches a method of creating a decomposable visual component in a visual networking operating system comprising creating a clone of the decomposable visual component (fig. 28; col. 32, lines 45-49; col. 33, lines 15-23; col. 35, lines 62-67; col. 41, lines 32-33 and 64-65; col. 23, lines 64-65; col. 24, line 26).

As per claim 8, McKaskle teaches a method of creating a decomposable visual component in a visual networking operating system wherein multiple decomposable visual components are instantiated and configured to form a complex decomposable visual component (fig. 22; col. 20, lines 34-47; col. 52, line 50 through col. 53, line 9; col. 53, line 39 through col. 54, line 22; col. 76, lines 42-43).

As per claim 9, McKaskle teaches a method of creating a decomposable visual component in a visual networking operating system wherein the decomposable visual

component is recursively decomposable (fig. 35; col. 35, line 18; *users can build a group of components and use it in a bigger group*).

As per claim 10, McKaskle teaches a method of creating a decomposable visual component in a visual networking operating system comprising connecting the decomposable visual component with a second decomposable visual component while the second decomposable visual component is operating (col. 14, lines 32-33).

As per claim 11, McKaskle teaches a method of creating a decomposable visual component in a visual networking operating system wherein a change in a value of the decomposable visual component is reflected in a value of the second decomposable visual component (col. 79, lines 23-25; col. 37, lines 1-3; col. 37, lines 4-7).

As per claim 12, McKaskle teaches a method of creating a decomposable visual component in a visual networking operating system wherein a change in a third decomposable visual component associated with the first value is reflected in a fourth decomposable visual component associated with the second value (col. 79, lines 23-25; col. 37, lines 1-3; col. 37, lines 4-7).

As per claim 13, McKaskle teaches a method of creating a decomposable visual component in a visual networking operating system wherein the decomposable visual component comprises a plurality of decomposable visual components, including the third decomposable visual component (fig. 22; col. 30, lines 38-50; *showing the interconnections between the elements of the instrument and the relationship to other virtual instruments*).

As per claim 14, McKaskle teaches a method of creating a decomposable visual component in a visual networking operating system wherein the decomposable visual component comprises a plurality of decomposable visual component and the third decomposable visual component is an alias of one of the plurality of decomposable visual components (col. 41, lines 30-33).

As per claim 15, McKaskle teaches a method of creating a decomposable visual component in a visual networking operating system wherein the second decomposable visual component represents a non-visual component (figs. 5-6 and 22; col. 15, lines 18-20).

As per claim 16, McKaskle teaches a method of creating a decomposable visual component in a visual networking operating system wherein the non-visual component is a non-computing device (figs. 5, 6 and 22; col. 13, lines 41-55; *wherein instruments consist of computing and non-computing devices*).

As per claim 17, McKaskle teaches a method of creating a decomposable visual component in a visual networking operating system wherein the non-visual component is a computing device (figs. 5-6 and 22; col. 13, lines 41-55; *wherein instruments consist of computing and non-computing devices*).

As per claim 18, McKaskle teaches a method of creating a decomposable visual component in a visual networking operating system wherein the non-visual component is a computing device, which inherently comprises computer executed instructions in order to be in accordance with the definition of a computing device (figs. 5-6 and 22; col. 13, lines 41-55; *wherein instruments consist of computing and non-computing devices*).

As per claim 19, McKaskle teaches a method of creating a decomposable visual component in a visual networking operating system wherein the non-visual component interfaces with the second decomposable visual component through the standard in and standard out access prints, i.e. standard I/O devices (figs. 5-6, 22 *and respective portions of the specification*).

7. Claims 20-28 and 30-40 are rejected under 35 U.S.C. 102(b) as being anticipated by Warman et al. ("Warman").

As per claim 20, Warman teaches a method for controlling a target decomposable visual component within a visual networking operating system comprising depicting a control decomposable visual component (figs. 4, 6 and 12; col. 22, lines 6-16; col. 24, lines 7-33; col. 30, lines 42-56; col. 37 line 46 through col. 38, line 18), enabling a user to modify the control decomposable visual component so as to generate a change in a first value (figs. 4, 6 and 12-16; col. 12, lines 5-29), communicating the change in the first value to *the* target decomposable visual component (fig. 1; *via bus 28*), the target decomposable visual component detecting the change in the first value and effectuating a change in a second value and the change in said second value effectuating a change in the target decomposable visual component (Abstract; col. 12, lines 5-29).

As per claim 21, Warman teaches a method for controlling a target decomposable visual component within a visual networking operating system wherein the target decomposable visual component is associated with a target device (figs. 1, 4, 6 and 12; col. 6, lines 30-52).

As per claim 22, Warman teaches a method for controlling a target decomposable visual component within a visual networking operating system wherein the target device is coupled with the target decomposable visual component so that a change in one effectuates a change in the other (col. 12, lines 5-29).

As per claims 23 and 24, Warman teaches a method for controlling a target decomposable visual component within a visual networking operating system wherein the target device is a non-computing device (col. 6, lines 30-49).

As per claim 25, Warman teaches a method for controlling a target decomposable visual component within a visual networking operating system wherein the target device is an application executing on a computing device (col. 12, lines 40-44).

As per claim 26, Warman teaches a method for controlling a target decomposable visual component within a visual networking operating system comprising connecting the control decomposable visual component with a second decomposable visual component to form a combined decomposable visual component (figs. 4, 6 and 12; col. 19, lines 41-44; col. 20, lines 63-65).

As per claim 27, Warman teaches a method for controlling a target decomposable visual component within a visual networking operating system wherein the control decomposable visual component comprises multiple constituent decomposable visual components (figs. 1, 4, 10 and 14-16; Abstract; col. 12, lines 5-29).

As per claim 28, Warman teaches a method for controlling a target decomposable visual component within a visual networking operating system comprising decomposing the control decomposable visual component (Abstract; col. 12, lines 5-29; *configuring the properties of a DVC*), selecting a first constituent decomposable visual component and configuring the first constituent decomposable visual component (figs. 4 and 6; col. 3, lines 41-59; col. 12, lines 5-29; col. 10, lines 33-63).

As per claim 30, Warman teaches a method for controlling a target decomposable visual component within a visual networking operating system wherein configuring the first constituent decomposable visual component comprises changing at least one parameter of the first constituent decomposable visual component (figs. 4 and 6; col. 3, lines 41-59; col. 12, lines 5-29; col. 10, lines 33-63).

As per claim 31, Warman teaches a method for controlling a target decomposable visual component within a visual networking operating system wherein configuring the first constituent decomposable visual component comprises changing a style of the first constituent decomposable visual component (col. 16, lines 3-23).

As per claim 32, Warman teaches a method for controlling a target decomposable visual component within a visual networking operating system comprising connecting the first constituent decomposable visual component to a third decomposable visual component (col. 17, line 65 through col. 18, line 4; col. 19, lines 41-62).

As per claim 33, Warman teaches a method for controlling a target decomposable visual component within a visual networking operating system wherein the target decomposable visual component communicates with the application via a standard in and a standard out interface (figs. 2-4).

As per claim 34, Warman teaches a method for controlling a target decomposable visual component within a visual networking operating system wherein the control decomposable visual component and the target decomposable visual component are on separate computing devices (col. 6, lines 30-52).

As per claim 35, Warman teaches a method for controlling a target decomposable visual component within a visual networking operating system wherein communicating further comprises sending packet information between the control decomposable visual component and the target decomposable visual component (col. 3, line 65 through col. 4, line 17).

As per claim 36, Warman teaches a method for controlling a target decomposable visual component within a visual networking operating system wherein communicating further comprises communicating over an internetwork (fig. 1).

As per claim 37, Warman teaches a computer readable medium containing computer executable instructions for performing any of the methods at Claims 1-19.

As per claim 38, Warman teaches a computer readable medium containing computer executable instructions for performing any of the methods at Claims 20-36 (col. 5, line 65 through col. 6, line 36).

As per claim 39, Warman teaches a computer apparatus, within a computing network, the apparatus operative to execute instructions for performing any of the methods of Claims 1-19 (col. 5, line 65 through col. 6, line 36).

As per claim 40, Warman teaches a computer apparatus, within a computing network, the apparatus operative to execute instructions for performing any of the methods of Claims 20-36 (col. 5, line 65 through col. 6, line 36).

Claim Rejections - 35 USC § 103

8. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over McKaskle et al. ("McKaskle").

As per claim 2, McKaskle teaches a method of creating a decomposable visual component in a visual networking operating system wherein configuring the decomposable visual component comprises controlling the behavior of the decomposable visual component (col. 52, lines 51-58; col. 45, lines 24-32), McKaskle does not explicitly disclose using scripts to execute controlling the behavior. Official Notice is taken that the use of scripts to control an application or utility are well known in the art. Therefore, it would have been obvious to an artisan at the time of the invention to include the use of scripts to control an application or utility to the modified McKaskle's teaching of controlling the behavior of the first constituent decomposable visual component in order to provide users with an implementation preference.

9. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Warman et al. ("Warman").

As per claim 29, although Warman teaches a method for controlling a target decomposable visual component within a visual networking operating system wherein configuring the first constituent decomposable visual component comprises controlling the behavior of the first constituent decomposable visual component (Abstract; col. 12, lines 5-29), Warman does not explicitly disclose using scripts to execute controlling the behavior. Official Notice is taken that the use of scripts to control an application or utility are well known in the art. Therefore, it would have been obvious to an artisan at the time of the invention to include the use of scripts to control an application or utility to Warman's teaching of controlling the behavior of the first constituent decomposable visual component in order to provide users with an implementation preference.

Response to Arguments

10. Applicant's arguments with respect to claims 1-40 have been considered but are moot in view of the new ground(s) of rejection, except for the following:

Applicant argued the following:

Warman neither teaches a decomposable visual component or two different decomposable visual components. The examiner disagrees for the following reasons:

Warman does teach a decomposable visual component, i.e. a visual component that is separated into components (col. 10, lines 55-59; col. 14, lines 55-64; col. 22, lines 6-16; *the visual component/visual panel is user created and comprises multiple components*) wherein a change in value is communicated to *the* target decomposable component, i.e. is the decomposable component being targeted (fig. 1; *via bus 28*). If by "*the target decomposable component*" applicant meant a second decomposable component, applicant is invited to clarify the claims by amending the claim language to reflect such meaning.

Furthermore and in the previous office action, the Office notes that applicant did not contest the factual assertion set forth under Official Notice in paragraph two of sections four and five of the non-final Office Action of 4/21/05. Therefore, the Official Notice is taken to be admitted prior art (MPEP 2144.03).


Inquires

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Lê Nguyen whose telephone number is **(571) 272-4068**. The examiner can normally be reached on Monday - Friday from 7:00 am to 3:30 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (571) 272-4063.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LVN
Patent Examiner
February 14, 2006


SY D. LUU
PRIMARY EXAMINER